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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/774,798

02/09/2004

Joseph M. Koenig JR.

TRI4546P0180US

9069

32116

7590

03/16/2009

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER

500 W. MADISON STREET

SUITE 3800

CHICAGO, IL 60661

EXAMINER

PLUMMER, ELIZABETH A

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

03/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/774,798	Applicant(s) KOENIG ET AL.	
	Examiner ELIZABETH A. PLUMMER	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-11 is/are allowed.
- 6) ☒ Claim(s) 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 September 2008 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

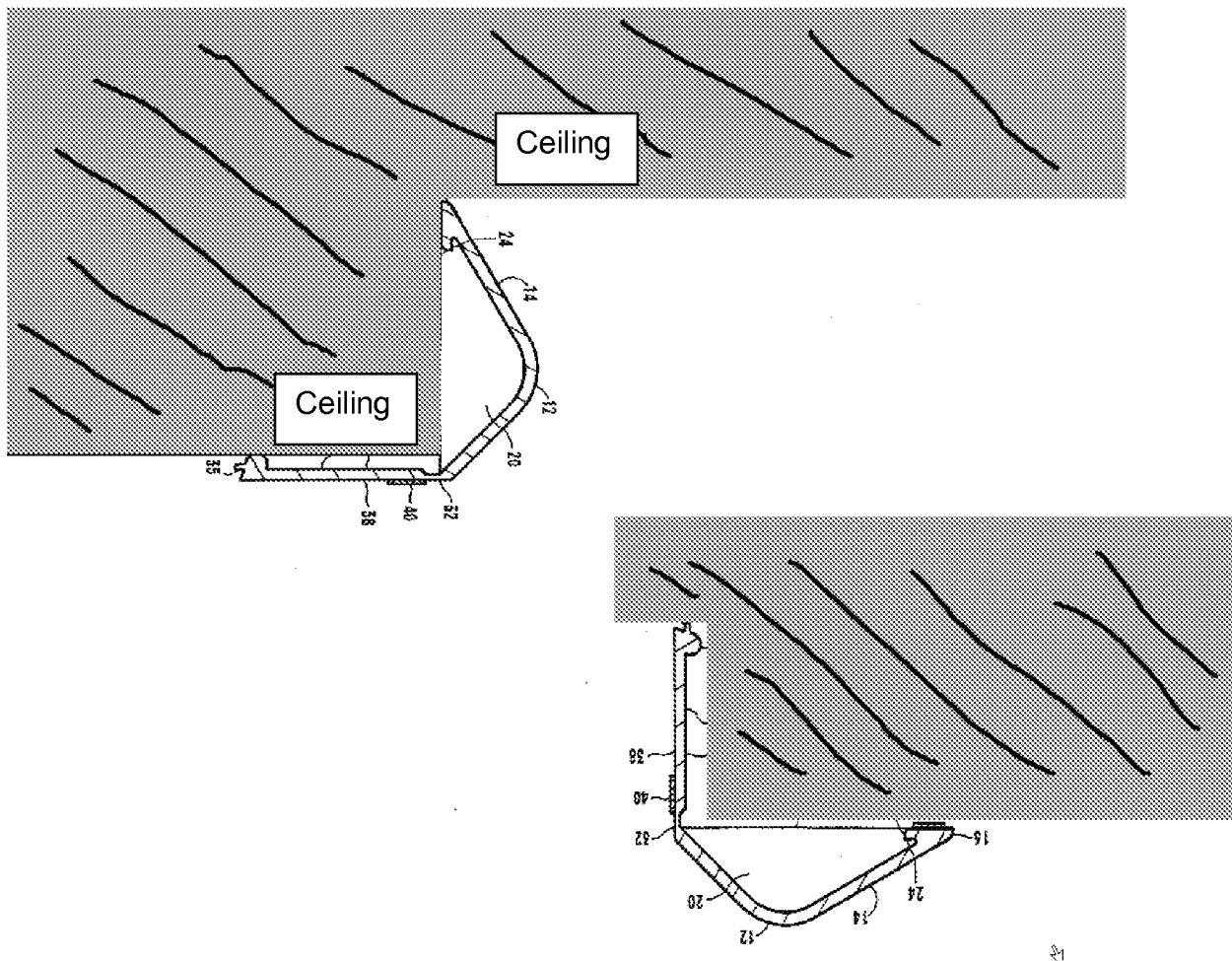
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Soyka, Jr. et al. (US Patent 5,560,175). Regarding claim 12, Soyka Jr. et al. discloses a crown molding member (10), which can be used to trim a corner defined by where a vertical wall and a horizontal ceiling meet, the crown molding member having a planar portion (38), which can extend along a horizontal ceiling of the inside corner when the crown molding member is installed in a first mode (for example, when opened as in Fig. 2 and rotated 90 degrees counterclockwise, the molding can be placed on a suspension ceiling with panels and against a vertical wall) and which can extend along a vertical wall of the inside corner when the crown molding member is installed in a second mode

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(for example, when opened as in Fig. 2 and rotated 90 degrees the molding can be placed against a vertical wall in between two ceiling sections of different heights), the planar portion having a proximal edge (by 34), the planar portion having a distal edge (by 32) which is spaced from the proximal edge of the planar portion, the crown molding member having an intermediate portion (from 32 to 16), which adjoins the distal edge of the planar portion at a distal edge of the intermediate portion (Fig. 2), the intermediate portion having a proximal edge which is spaced from the distal edge of the intermediate portion (Fig. 2), the crown molding member having a mounting flange (by 28), which can extend along the vertical wall when the crown molding member is installed in the first mode and which can extend along the horizontal ceiling when the crown molding member is installed in the second mode, which generally has a uniform thickness except that the crown molding member is thinner where the distal edge of the intermediate portion adjoins the distal edge of the planar portion (at 32) (Fig. 2), whereby to form a hinge where the crown molding is thinner (Fig. 2,3) (See illustrations of the subcombination installed in the first and second modes below).

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soyka, Jr. et al. (US Patent 5,560,175) in view of Schiedegger et al. (US Patent

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6,212,835). Regarding claims 13 and 15, Soyka, Jr. et al. discloses an invention capable of being attached to a horizontal ceiling or a vertical wall. Soyka, Jr. et al. does not disclose that the planar portion is attached by mechanical fasteners. However, it is notoriously well known in the art that mechanical fasteners can be used to attach crown moldings to different fixtures. For example, Schiedegger et al. teaches a crown molding (520) comprising a planar portion (561) and an intermediate portion (Fig. 48, 51) wherein the planar portion is attached to a fixture via mechanical fasteners (column 20, lines 31-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Soyka, Jr. et al. to use mechanical fasteners, such as taught by Schiedegger et al. in order to more securely fasten the crown molding.

Allowable Subject Matter

6. Claims 3-11 are allowed.
7. Claims 14 and 16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 30 September 2008 have been fully considered but they are not persuasive. Regarding applicant's argument that the molding does not extend along the horizontal ceiling of the inside corner, both the upper and lower ceilings are considered to be ceilings of the inside corner. Regarding applicant's argument molding does not extend along the vertical wall of the inside corner, the

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vertical wall of the molding in the above illustrated figure is considered to be a vertical wall of the inside corner.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH A. PLUMMER whose telephone number is (571)272-2246. The examiner can normally be reached on Monday through Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633

/E. A. P./

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